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REMARKS

Applicant acknowledges the Examiner's review of the specification, claims, and drawings. As noted above, Applicant has filed on May 30, 2006, under separate cover, a Petition to Withdraw Finality. In light of the filed Petition, above amendments, and following remarks, Applicant respectfully requests reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

STATUS OF THE CLAIMS:

Claims 1, 2, 4, and 6-21 are pending in the application. Claims 3, 5, and 22-25 have been cancelled herein.

CLAIM REJECTIONS UNDER 35 U.S.C. 102:

The Examiner rejects Claims 1-5, 11-15, 18-20, and 22-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,781,374 to Walker.

Applicant respectfully traverses. Applicant respectfully urges that Walker does not disclose or suggest a tray having a base wall, and side walls extending up from the base wall to form a cavity, in combination with a preformed flexible paper liner, which is configured and arranged to substantially conform to the inner surfaces of the base wall and the side walls to form a liquid containing bowl in the cavity for holding food and liquid, for example. The Examiner identified the numeral 14 as indicating the base wall, side walls, and cavity. Assuming that item 14 represents the base wall and side walls, then Walker does not disclose the liner contacting the inner surfaces of the base wall and the side walls. Walker has a completely different construction than the claimed

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invention and, further, is directed to a food trough for an animal. Notwithstanding, Applicant has amended Claim 1 to more clearly define Applicant's invention, which now calls for:

A human food serving tray assembly comprising:
a plastic tray, said tray having a generally planar base wall and a perimeter sidewall extending up from and above said base wall to form a cavity with said base wall, said base wall having an inner surface, and said sidewall having an inner surface; and
a preformed flexible paper-based liner, said preformed flexible paper-based liner configured and arranged to substantially conform to and contact said inner surfaces of said base wall and said sidewall to form a liquid containing bowl in said cavity for holding food and liquid therein.

Applicant respectfully urges that neither Walker nor any other reference of record discloses or suggests the claimed combination. For example, Walker does not disclose or suggest a human food serving tray nor a human food serving tray that includes a tray and a pre-formed flexible paper-based liner, which is configured and arranged to substantially conform to and contact the inner surfaces of the tray's base wall and side wall. Accordingly, Applicant respectfully submits that Claim 1 and its dependent claims, namely Claims 2, 4, 6, and 7-10, are patentably distinguishable over Walker alone or in view of any other reference of record.

Claim 11 has been similarly amended to call for:

A human food serving tray assembly comprising:
a plastic tray, said tray having a generally planar base wall and a sidewall extending up from said base wall, said sidewall and said base wall forming a cavity, said base wall having an inner surface, and said sidewall having an inner surface; and
a paper-based flexible liner, said flexible liner having a base wall and an upstanding sidewall, said base wall of said liner substantially conforming to and contacting said base wall of said tray, said sidewall of said liner substantially conforming to said sidewall of said tray, said sidewall and said base wall of said liner forming a

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liquid containing bowl in said cavity for holding food and liquid therein.

Applicant respectfully urges that Walker does not disclose or suggest a human food serving tray nor a human food serving tray that includes a tray and a paper-based flexible liner, which has a base wall and an upstanding wall and with the base wall of the liner substantially conformed to the base wall of the tray and the side wall of the liner substantially conforming to the side wall of the tray. As noted above, Walker has a completely different construction than the claimed invention and, therefore, does not anticipate nor render the claimed invention obvious.

With respect to Claim 18, Claim 18 has been amended and now calls for:

A human food serving tray assembly comprising:
a plastic tray, said tray having a wall forming a generally planar base wall for resting on a support surface and forming a perimeter wall extending around and up from said base wall, said perimeter wall and said base wall forming a cavity, said base wall having a generally planar inner surface, and said perimeter wall having an inner surface; and
a preformed flexible paper-based liner, said flexible liner having a generally planar central base wall and an upstanding perimeter wall extending from said generally planar central base wall of said liner, said liner conforming to and touching said inner surfaces of said base wall and perimeter wall of said tray and forming a liquid containing bowl in said cavity for holding food and liquid therein.

Applicant respectfully urges that Walker does not disclose or suggest a human food serving tray assembly nor a human food serving tray assembly that includes a plastic tray having a wall forming a generally planar base wall for resting on a support surface and forming a perimeter wall extending around and up from the base wall in combination with a preformed flexible paper-based liner that includes a generally planar central base wall and an upstanding

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perimeter wall extending from the generally planar central base wall that conforms to and touches the inner surfaces of the base wall and perimeter wall of the tray, for example.

Therefore, Applicant respectfully submits that Claim 18 and its dependent claims, namely Claims 19-21, are patentably distinguishable over Walker alone or in combination with any other reference of record.

With reference to Claims 3, 5, and 22-25, Applicant has cancelled Claims 3, 5, and 22-25 without prejudice to pursue these claims and additional claims in a continuation application.

In light of the above amendments and remarks, Applicant respectfully requests reconsideration of the present application and a Notice of Allowance of all claims.


Should the Examiner have any questions or suggestions, he is invited to contact the undersigned at (616) 975-5506 or at collins@vglb.com.

Respectfully submitted,

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